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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

<u>IN THE MATTER OF</u>	:	Administrative Action
	:	
LAWRENCE GARDNER, D.D.S.	:	CONSENT ORDER REINSTATING
License No.22DI 00910700	:	LICENSE WITH RESTRICTIONS
	:	
LICENSED TO PRACTICE DENTISTRY	:	
<u>IN THE STATE OF NEW JERSEY</u>	:	

This matter was opened to the New Jersey State Board of Dentistry upon the application of Lawrence Gardner, D.D.S. ("respondent"), seeking to reinstate his license to practice dentistry. Respondent voluntarily surrendered his license by order entered on July 20, 2011, upon receipt of information that he issued multiple prescriptions for controlled dangerous substances in the names of family members for his own use.

On December 7, 2011, respondent appeared at an investigative inquiry before the Board accompanied by counsel, Peter A. Allegra, Esq., and Dr. Edward G. Reading of the Professional Assistance Program (PAP). At his appearance, respondent testified that he is compliant with his monitoring plan with the PAP and discussed his

plan to return to practice. Dr. Gardner also testified that he has never had a problem delivering care to his patients and was proud of his work.

Mr. Allegra urged the Board to restore respondent to active practice since "every urine he's given has been clean, there's been no indication that he's ever failed in any respect to deliver proper care to his patient population, there are no complaints that have ever been filed against him in that regard." In support of respondent's application for reinstatement, Mr. Allegra provided two letters from Drs. Anthony M. DiCesare, D.D.S. and John M. Murray, D.D.S. By letter dated December 2, 2011, Dr. DiCesare attested to respondent's professionalism as a person "who treats his patients with integrity, respect and kindness" and his positive contribution to the Jersey Coast Dental Forum, a Seattle Study Club. Similarly, Dr. Murray, respondent's monitor on behalf of PAP, also attested to Dr. Gardner's prompt appearance at his office for monitoring, to his being an excellent dentist that Dr. Murray would be proud to have as his colleague that Dr. Murray and "would have no reluctance to have him treat a patient of mine if I were not available."

Dr. Reading submitted a report dated December 7, 2011, supporting respondent's reinstatement but advocating restrictions on his license. Dr. Reading testified that Dr. Murray monitored respondent on a regular basis on behalf of PAP and found respondent

to be cooperative. Based on documented ongoing recovery of six months duration, the PAP recommended respondent should be allowed to return to practice with restrictions including absolute abstinence from all psychoactive substances, random weekly urine monitoring; regular attendance at Caduceus meetings; and monthly meetings with a PAP representative.

In addition, Dr. Reading included a recent psychiatric evaluation submitted by Dr. John J. Vernon, Jr., M.D., DLFAPA, confirming respondent's fitness and recovery efforts and supporting the restoration of his ability to see patients as soon as possible. Additionally, respondent continues to attend sessions with a life coach, to handle life's stressors.

Having reviewed the entire record, including the testimony of respondent and Dr. Reading at the investigative inquiry, and letters from Drs. DiCesare and Murray, it appears to the Board that respondent has now demonstrated sufficient rehabilitation, fitness and ability to practice dentistry with restrictions and that he is likely to comply with the conditions set forth in this Order. Respondent has provided the Board with the required records, has obtained a positive evaluation from a mental health professional, and continues to have negative drug screens for prohibited substances. The Board finds that the restrictions placed on respondent's practice by this Order are adequate to protect the health, safety and welfare of the public and that good cause exists

for entry of this Order;

IT IS, THEREFORE, ON THIS 22nd DAY OF February, 2012
HEREBY ORDERED AND AGREED THAT:

1. The license of Lawrence Gardner, D.D.S., to practice dentistry in this State is hereby reinstated, subject to the terms in this order. Respondent shall comply with all administrative issues related to reinstatement, including payment of applicable fees for his license and his CDS registration.

2. Respondent shall be permitted to write prescriptions only for patients as required in connection with dental treatment or to administer medication to patients in the course of dental treatment, in accordance with the following terms and conditions:

- (a) Respondent may prescribe or dispense controlled dangerous substances.
- (b) Respondent shall use sequentially numbered, triplicate prescription pads for all prescriptions. If respondent wishes to electronically or telephonically transmit prescriptions, he shall first submit a plan to the Board for approval for the tracking and logging of all such prescriptions.
- (c) Respondent shall provide the original prescription to the patient, attach one copy of the prescription to the patient record, and submit the third copy to the Board, attention: Jonathan Eisenmenger, Executive Director, on

a monthly basis. For purposes of this paragraph, patient record shall mean the treatment record for the date on which the patient was treated an/or on which the medication was prescribed, as well as a copy of the patient's medical history, including updates.

- (d) Respondent shall be required to account for each consecutively numbered prescription, regardless of whether the particular prescription was voided or not used for any purpose whatsoever.
- (e) Respondent shall comply with all State and federal laws and regulations governing the purchase, storage, use, and dispensing of controlled dangerous substances.

- (i) If respondent administers or dispenses CDS to a patient in his practice, he shall maintain a log for each administration or dispensing event, which log shall include the patient name, date, name of medication, dosage, and units administered or dispensed.

- ii) Respondent shall submit a true copy of the log to the executive director along with a copy of the patient record for each patient listed on a monthly basis.

- (f) Respondent shall relinquish all current prescription pads bearing respondent's name to Jonathan Eisenmenger, Executive

*f. was sent to Ed by Attorney
@ time of Suspension*

Director, within ten days from the entry date of this order. Respondent shall not use or possess any prescription blanks except triplicate prescription blanks until further order of the Board.

3. Respondent shall provide quarterly report to the Board regarding his practice.

4. Respondent shall participate with the PAP and shall comply with PAP recommendations for treatment, including but not limited to:

(a) monthly face-to-face meetings with representatives from that program at least monthly for the first year of return to practice, followed by scheduled appointments every two months for a period of at least one year and thereafter meetings to be scheduled at a frequency appropriate to his duration of recovery;

(b) attendance at support groups, NA or AA, including a Caduceus meeting;

(c) random urine monitoring weekly screens for the next year, then at a rate directed by the Executive Medical Director of the PAP; and

(d) psychotherapeutic counseling with a licensed mental health professional who shall provide a quarterly report to the Board.

3. Respondent shall abstain from the use of alcohol and from all psychoactive substances, unless prescribed by a treating

physician for a documented medical condition with prior notification to the Executive Medical Director of the PAP of the diagnosis and prescribed medications. In addition, respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse.

4. The PAP shall submit quarterly reports, including urine results, to the Board regarding respondent's participation and compliance with all requirements of the PAP and this order. If respondent has a positive urine, misses an appointment without consent, or has a lapse or slip in her recovery, or if respondent terminates recommended counseling or his participation with the PAP, the PAP shall immediately inform the Board. For purposes of this paragraph, "immediately" shall mean reporting the information orally within 24 hours and following up with a written report within 48 hours.

5. (a) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from the PAP. Respondent shall notify the PAP if he will be out of the State for any reason, so that the program may make a determination regarding alternate testing.

(b) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.003 shall create a rebuttable presumption of a confirmed positive urine test. Any such result shall be followed immediately by a confirming GC/MS test.

(c) Respondent shall familiarize himself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

(d) The PAP may, after notifying the Board, modify the frequency of testing or method of testing during the monitoring period.

6. Respondent shall provide any and all releases to any and all parties who are participating in a monitoring, treatment, or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Respondent agrees that any information received by the Board regarding respondent's treatment or participation in a monitoring program may be used in connection with any proceedings pertaining to his license.

7. Nothing in this order shall be deemed to preclude the Board

from taking any action it deems appropriate should the Board's review of information cause it to determine that such action is warranted or from imposing restrictions or conditions on respondent's license should the Board determine that such restrictions or conditions are appropriate to protect the public health, safety, and welfare.

8. Respondent may seek modification of the terms of this order not sooner than six (6) months from the date of its entry. The Board reserves the right to require respondent's appearance prior to any modification or removal of restrictions set forth in this Consent Order.

NEW JERSEY STATE BOARD OF DENTISTRY

By:

Herbert B. Dolinsky, D.D.S.
President

I have read and understand this Consent Order and agree to be bound by its terms. I consent to the entry of this Order.

Lawrence Gardner, D.D.S.

Date: 2/6/12

I have read the terms of this consent order and agree on behalf of the PAP to comply with its terms pertaining to the PAP.

Edward Ready, LCAT 2/7/12

Edward Reading, Ph.D., LCADC
Date: